

# EXHIBIT “D”

**FILED: BRONX COUNTY CLERK 12/06/2021 05:24 PM**

NYSCEF DOC. NO. 1

INDEX NO. 816649/2021E

RECEIVED NYSCEF: 12/07/2021

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
LUIS A. PUENTE,

Plaintiff,

-against-

A. DUIE PYLE, INC. and JOHN DOE, name being  
fictitious and intended to be the operator of the vehicle  
owned by A. DUIE PYLE, INC.,

Defendants.  
-----X

**TO THE ABOVE-NAMED DEFENDANTS:**

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Brooklyn, New York  
December 6, 2021

Yours, etc. 

Igor Tarasov, Esq.  
LAW OFFICES OF TARASOV &  
ASSOCIATES  
Attorneys for Plaintiff  
2566 86<sup>TH</sup> Street, Suite 2  
Brooklyn, New York 11214  
(718) 368-0690  
Our File No.: 18820

**DEFENDANT'S ADDRESS:**

**A. DUIE PYLE, INC.**  
**One Commercial Plaza**  
**Albany, New York 12210**

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X Index No.: \_\_\_\_\_  
LUIS A. PUENTE,

Plaintiff,

-against-

**VERIFIED  
COMPLAINT**

A. DUIE PYLE, INC. and JOHN DOE, name being  
fictitious and intended to be the operator of the vehicle  
owned by A. DUIE PYLE, INC.,

Defendants.

-----X  
Plaintiff, LUIS A. PUENTE, by his attorneys, LAW OFFICES OF TARASOV &  
ASSOCIATES, P.C., complaining of the defendants, alleges the following, upon information and belief:

**AS AND FOR A FIRST CAUSE OF ACTION**

1. That at all times herein mentioned, plaintiff, LUIS A. PUENTE, was and still is a resident of the County of Bronx, City and State of New York.
2. That at all times mentioned herein, defendant, A. DUIE PYLE, INC., was and still is a foreign corporation duly organized and existing under and by virtue of the laws of a state other than the State of New York but licensed to do business within the State of New York.
3. That at all times mentioned herein, defendant, A. DUIE PYLE, INC., was and still is a business entity duly organized and existing pursuant to the laws of a state other than the State of New York but doing business within the State of New York.
4. That at all times herein mentioned, defendant, A. DUIE PYLE, INC., was the owner of a certain motor vehicle bearing State of Indiana registration number 2846064.
5. That at all times herein mentioned, defendant, JOHN DOE, was the operator of a certain motor vehicle bearing State of Indiana registration number 2846064.

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6. Upon information and belief, that at all times and places hereinafter mentioned, defendant, A. DUIE PYLE, INC., was the lessee of the aforesaid motor vehicle bearing State of Indiana registration number 2846064.
7. Upon information and belief, that at all times and places hereinafter mentioned, defendant, A. DUIE PYLE, INC., was the lessors of the aforesaid motor vehicle bearing State of Indiana registration number 2846064.
8. Upon information and belief, that at all times and places hereinafter mentioned, defendant, A. DUIE PYLE, INC., maintained the aforesaid motor vehicle bearing State of Indiana registration number 2846064.
9. Upon information and belief, that at all times and places hereinafter mentioned, defendant, A. DUIE PYLE, INC., managed the aforesaid motor vehicle bearing State of Indiana registration number 2846064.
10. Upon information and belief, that at all times and places hereinafter mentioned, defendant, A. DUIE PYLE, INC., controlled the aforesaid motor vehicle bearing State of Indiana registration number 2846064.
11. Upon information and belief, that at all times and places hereinafter mentioned, defendant, A. DUIE PYLE, INC., inspected the aforesaid motor vehicle bearing State of Indiana registration number 2846064.
12. Upon information and belief, that at all times and places hereinafter mentioned, defendant, A. DUIE PYLE, INC., repaired the aforesaid motor vehicle bearing State of Indiana registration number 2846064.
13. That on November 29, 2021, and at all times hereinafter mentioned defendant, JOHN DOE, operated the aforementioned motor vehicle with the express permission of defendant, A. DUIE PYLE, INC.

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14. That on November 29, 2021, and at all times hereinafter mentioned defendant, JOHN DOE, operated the aforementioned motor vehicle with the express knowledge of defendant, A. DUIE PYLE, INC.

15. That on November 29, 2021, and at all times hereinafter mentioned defendant, JOHN DOE, operated the aforementioned motor vehicle with the express consent of defendant, A. DUIE PYLE, INC.

16. That on November 29, 2021, and at all times hereinafter mentioned defendant, JOHN DOE, operated the aforementioned motor vehicle with the implied permission of defendant, A. DUIE PYLE, INC.

17. That on November 29, 2021, and at all times hereinafter mentioned defendant, JOHN DOE, operated the aforementioned motor vehicle with the implied consent of defendant, A. DUIE PYLE, INC.

18. That on November 29, 2021, and at all times hereinafter mentioned defendant, JOHN DOE, operated the aforementioned motor vehicle with the implied knowledge of defendant, A. DUIE PYLE, INC.

19. Upon information and belief, that at all times and places hereinafter mentioned, defendant, JOHN DOE, was the lessee of the aforesaid motor vehicle bearing State of Indiana registration number 2846064.

20. Upon information and belief, that at all times and places hereinafter mentioned, defendant, JOHN DOE, was the lessor of the aforesaid motor vehicle bearing State of Indiana registration number 2846064.

21. Upon information and belief, that at all times and places hereinafter mentioned, defendant, JOHN DOE, maintained the aforesaid motor vehicle bearing State of Indiana registration number 2846064.

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22. Upon information and belief, that at all times and places hereinafter mentioned, defendant, JOHN DOE, managed the aforesaid motor vehicle bearing State of Indiana registration number 2846064.

23. Upon information and belief, that at all times and places hereinafter mentioned, defendant, JOHN DOE, controlled the aforesaid motor vehicle bearing State of Indiana registration number 2846064.

24. Upon information and belief, that at all times and places hereinafter mentioned, defendant, JOHN DOE, inspected the aforesaid motor vehicle bearing State of Indiana registration number 2846064.

25. Upon information and belief, that at all times and places hereinafter mentioned, defendant, JOHN DOE, repaired the aforesaid motor vehicle bearing State of Indiana registration number 2846064.

26. That at all times and places hereinafter mentioned, Longfellow Avenue, in front of the premises, known as 174<sup>th</sup> Street, in the County of Bronx, City and State of New York, was and still is a public street/ highway in common use of the residents of the State of New York and others.

27. That on November 29, 2021, plaintiff, LUIS A. PUENTE, was lawfully and properly operating a motor vehicle at the above-mentioned location.

28. Upon information and belief, that at all times and places hereinafter mentioned, defendant, JOHN DOE, was responsible for the proper and prudent operation of his aforesaid motor vehicle.

29. That on November 29, 2021, at the aforementioned location, the aforesaid motor vehicle, owned by defendant, A. DUIE PYLE, INC. and operated by defendant, JOHN DOE, struck the motor vehicle, owned and operated by plaintiff, LUIS A. PUENTE.

30. That on or about November 29, 2021, at approximately 8:00 am, the subject motor vehicle, owned by defendant, A. DUIE PYLE, INC. and operated by defendant, JOHN DOE, came into

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contact with the motor vehicle, owned and operated by plaintiff, LUIS A. PUENTE.

31. That as a result thereof, the plaintiff was caused to sustain severe and serious injuries.

32. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the defendants without any fault or negligence on the part of the plaintiff contributing thereto.

33. That defendants were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid vehicle and the defendants were otherwise negligent, careless and reckless under the circumstances then and there prevailing.

34. That as a result of the aforesaid occurrence, plaintiff, LUIS A. PUENTE, was rendered sick, sore, lame and disabled and has remained so since the said occurrence. The plaintiff continues to suffer mental anguish and great physical pain. He has been compelled to undergo medical aid, treatment and attention and expend money and incur obligations for physicians' services, medical and hospital expenses for the care and treatment of his injuries; and upon information and belief, he will be compelled to expend additional sums of money and incur further obligations in the future for additional physicians' services, medical and hospital expenses for the further care and treatment of his injuries. Plaintiff has been incapacitated from attending to his usual duties, functions, occupations, vocations and avocations, and in other ways he was damaged, and upon information and belief may be so incapacitated in the future and will suffer pecuniary losses.

35. That the plaintiff, LUIS A. PUENTE, sustained serious injuries and economic loss greater than basic economic loss as to satisfy the exceptions of Sections 5102 and 5104 of the Insurance Law.

36. Upon information and belief, that this action falls within one or more of the exceptions enunciated in Section 1601 and 1602 of the New York CPLR.

37. That plaintiff is not seeking to recover any damages for which plaintiff, LUIS A. PUENTE, has been reimbursed by no-fault insurance and/or for which no-fault insurance is obligated to reimburse plaintiff. Plaintiff is only seeking to recover those damages not recoverable through no-fault

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insurance under the facts and circumstances in this action.

38. That by reason of the foregoing, plaintiff, LUIS A. PUENTE, has been damaged in the sum which exceeds the jurisdictional limitations of all lower courts which would otherwise have jurisdiction over this action.

**AS AND FOR A SECOND CAUSE OF ACTION**

39. That plaintiff hereby repeats, reiterates and realleges each and every allegation contained in the first cause of action, with the same force and effect, as if more fully set forth herein at length.

40. That directly as a result of said occurrence, the motor vehicle operated by the plaintiff was bent, broken and demolished and was otherwise damaged.

41. That by reason of the foregoing, the motor vehicle operated by plaintiff was damaged and plaintiff seeks to recover in a sum the Court deems just and proper.

**WHEREFORE**, plaintiff, LUIS A. PUENTE, demands judgment against defendants, A. DUIE PYLE, INC. and JOHN DOE, in an amount which exceeds the jurisdictional limitations of all lower courts which would otherwise have jurisdiction over this action.

Dated: Brooklyn, New York  
December 6, 2021

Yours, etc.



Igor Tarasov, Esq.  
LAW OFFICES OF TARASOV &  
ASSOCIATES  
Attorneys for Plaintiff  
2566 86<sup>TH</sup> Street, Suite 2  
Brooklyn, New York 11214  
(718) 368-0690  
Our File No.: 18820



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STATE OF NEW YORK     )  
                                   )ss.:  
 COUNTY OF KINGS        )

The undersigned, IGOR TARASOV, ESQ., an attorney at law, admitted to practice law in the Courts of the State of New York, affirms the following under the penalties of perjury:


That he is a PRINCIPAL of the firm of LAW OFFICES OF TARASOV & ASSOCIATES, P.C., attorneys for Plaintiff in the above-entitled action.

That he has read the foregoing SUMMONS and COMPLAINT and knows the contents thereof, and upon information and belief, deponent believes that matters alleged therein to be true.

The reason this Verification is made by deponent and not by Plaintiff is because Plaintiff is an individual and resides in another county from where affirmant maintains his office.

The source of deponent's information and the ground of his belief are communications, paper, reports and investigations contained in the file.

Dated: Brooklyn, New York  
 December 6, 2021



Igor Tarasov, Esq.

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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LUIS A. PUENTE,

Plaintiff,

-against -

A. DUIE PYLE, INC. and JOHN DOE,  
name being fictitious and intended to be  
the operator of the vehicle owned by  
A. DUIE PYLE, INC.

Defendants.

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**SUMMONS AND VERIFIED COMPLAINT**

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**LAW OFFICES OF TARASOV & ASSOCIATES, P.C.**

Attorneys for Plaintiff  
2566 86<sup>TH</sup> Street, Suite 2  
Brooklyn, New York 11214  
Phone: (718) 368-0690  
Fax: (718) 368-0692

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TARASOV & ASSOCIATES P.C.  
Secretary of State, 306BCLSUPREME COURT OF THE STATE OF NEW  
YORK  
COUNTY OF BRONX

\*2467752\*

## AFFIDAVIT OF SERVICE

Index no : 816649/2021E  
Date of Purchase: 12/06/2021  
Office No: 18820Plaintiff: **LUIS A PUENTE**  
Defendant: **A. DUIE PYLE INC ETANO ETC**

STATE OF NEW YORK COUNTY OF NEW YORK ss.:

**STEVEN AVERY**, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the state of New York.

On 12/15/2021 at 9:00 AM at the office of the Secretary of State of the State of New York in the City of Albany, New York, I served the within **SUMMONS & VERIFIED COMPLAINT; NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING** upon **A. DUIE PYLE INC** the **Defendant** in this action in the manner indicated below:

By delivering to and leaving with **NANCY DOUGHERTY, CLERK AUTHORIZED TO ACCEPT** in the office of the Secretary of State of New York, two true copies thereof and at the same time of making such service, deponent paid said Secretary of State, a fee of \$40.00. That said service was made pursuant to Section 306 of the BCL.

Deponent further states, he knew the said served to be an authorized **CLERK AUTHORIZED TO ACCEPT** in the Corporate Division of the State of New York.

Deponent further describes the person actually served as follows:

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	WHITE	BLACK	60	5'4"	125
Other Features:					

Sworn to and subscribed before me on  
12/20/2021

**HARVEY TAUBER**  
Notary Public, State of New York  
No. 01TA4667017  
Qualified in BRONX  
Commission Expires 12/31/2022

X  
**STEVEN AVERY**  
AAA Attorney Service Co. of NY, Inc.  
20 Vesey Street, Room 1110  
New York, NY 10007  
(212) 233-3508 Clerk: Tilisa Matos

